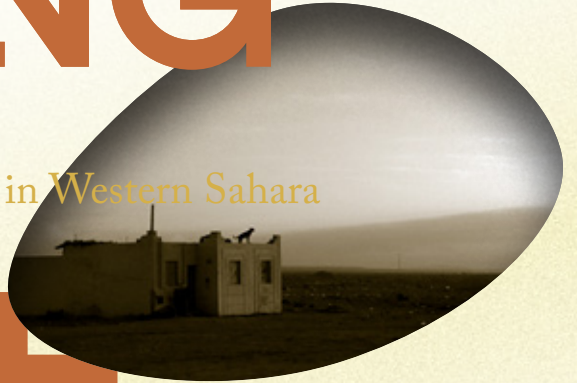




# ACTING

Morocco's Human Rights Violations in Western Sahara



# WITH

and the Silence of the International Community



# IMPUNITY





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Western Sahara desert.  
Photo: Ammar Hassan/Flickr CC<sup>1</sup>





# Preface

This year marks the 40th anniversary of Morocco's dreadful occupation of Western Sahara. For decades, the occupiers have oppressed the Saharawi people and exploited their natural resources. This report aims to shed light on the immense suffering taking place in Africa's last colony.

SAIH has been engaged in the struggle for a free Western Sahara for 20 years. In March 2015, we visited the Occupied Territories and met with Saharawi human rights activists. They told us similar stories to the ones you are about to read. Stories about torture, rape, abductions, murder and imprisonment. Stories of a people that has been protesting peacefully for the past 24 years against deliberate marginalisation, unemployment and abuses by the Moroccan authorities. Stories that the Moroccan government does not want the world to know about.

The Moroccan authorities keep these stories from getting out by imposing an information blockade through extensive and constant police surveillance of Saharawis in the Occupied Territories. This blockade even extends into the United Nations, whose peacekeeping mission MINURSO is the only UN mission created since the 1970s which has not been given a mandate to monitor and report human rights violations. The deficiency in the mandate is largely a result of France's position in the Security Council, which affords France, Morocco's main ally, the power of veto to efficiently block the introduction of human rights monitoring and reporting.

For most people, the decolonisation of Africa belongs to the history books. Yet for the Saharawi people, this is not something of the past. We hope that you, the reader of this report, agree with us that 40 years of occupation is enough.

We demand that:

- ◊ The United Nations' MINURSO mission must be allowed to report on human rights violations in Western Sahara through the inclusion of human rights monitoring in its mandate.
- ◊ The long promised self-determination referendum on Western Sahara's independence must be implemented.
- ◊ Universities in Norway must refrain from cooperating with companies engaged in unlawful activities in Western Sahara.

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**SAIH** | Norwegian Students' and Academics'  
International Assistance Fund



Photo: SAIH



# Executive Summary

Western Sahara, partially occupied by Morocco, is the last colony in Africa. While the Saharawi people's right to self-determination is recognised by the UN, the International Court of Justice and the African Union, no country in the world recognises Morocco's sovereignty over Western Sahara. Despite this, the international community has so far looked on indifferently whilst Morocco plunders the territory and brutalises its people.

This report is made from a study of all claims of human rights violations committed in Western Sahara in the period from April 1, 2014 to March 1, 2015. The claims origin from international human rights associations, Saharawi human rights groups and local Saharawi media networks. The study finds 163 alleged events of human rights abuse. 256 different cases of human rights have been identified, involving 283 named victims. The UN has a peacekeeping mission in Western Sahara known as the United Nations Mission for the Referendum in Western Sahara (MINURSO). It is a very unusual peacekeeping mission in that it has no mandate to monitor human rights. Therefore, Morocco is able to commit human rights abuses with impunity. Each April, the UN votes on the renewal of MINURSO's mandate. It has so far failed to vote in favour of incorporating human rights monitoring into MINURSO's competencies. This report focuses on abuses committed in Western Sahara since April 2014, when human rights monitoring was last rejected by the UN.

The report finds that Saharawis who express pro-independence views, who work on human rights activities, or who defend the territory's natural resources against plunder continue to face a particular pattern of harassment, political imprisonment and judicial abuse. They are arrested, often violently and without explanation as to the reason for their arrest, held incommunicado in secret detention centres or police stations, or taken to rural areas and tortured and often raped. Indeed, since April 2014, three Saharawis have died in detention under suspicious circumstances. A fourth Saharawi died six days after he was released from detention. Settler violence is

also a problem, as the case of Mohammed Lamin Haidala shows. He died after being stabbed in the neck by settlers with a pair of scissors.

Torture is used systematically to extract confessions, and judges not only fail to investigate allegations that statements have been extracted under torture, but also habitually accept said statements in court. This report have identified 55 Saharawis claiming to have been subject to torture since April 2014, including seven children. The fates of hundreds of disappeared Saharawis remain unaccounted for, whilst political prisoners reportedly remain behind bars living in degrading and inhumane conditions.

At the same time, the Saharawi population is experiencing repression of their culture as well as discrimination in the education and employment fields. In July 2014, the main mosque used by Saharawis was closed down by Moroccan authorities. Landmines continue to endanger the lives of shepherds, with two Saharawi deaths since April 2014 in occupied Western Sahara. Unscrupulous multinationals and foreign governments are taking advantage of the dire situation to enter into agreements with the Moroccan government to plunder the vast natural resources of the territory. Two such companies are British Cairn Energy and US Kosmos Energy, who began exploratory oil drilling off the coast of Western Sahara in December 2014. Saharawis protesting peacefully against these companies have suffered police brutality. Indeed, there have been 51 reports of Moroccan authorities using violence against Saharawis since April 2014.

The continued gross human rights violations committed in occupied Western Sahara illustrate the total inadequacy of Morocco's national human rights framework. Whilst UN Special Procedures, which involve short and infrequent visits by UN rights experts to Western Sahara, are important, they are insufficient. A renewed mandate for MINURSO, the UN Mission to the territory, to provide independent, impartial, comprehensive and sustained human rights monitoring is vital if the abuses suffered by the Saharawi people are to be curbed.

# Introduction

2015 will mark the fortieth year of Morocco's occupation of its neighbour Western Sahara. The UN has had a presence in the territory since 1991. The UN Mission to Western Sahara (MINURSO) was tasked with holding a self-determination referendum for the people of the territory, the Saharawis. Today, MINURSO has not only failed to conduct the referendum but it has also, quite literally, stood by and watched whilst Saharawis are harassed, beaten, raped, tortured, disappeared<sup>2</sup> and even murdered for their pro-independence opinions, or work fighting for the respect of human rights.

As a UN peacekeeping mission, MINURSO is extremely unusual in that it has no mandate to monitor human rights. Whilst some permanent members of the UN Security Council have fought for human rights to be monitored by MINURSO, Morocco has loyal allies such as France, which has consistently used its power of veto to block such an initiative. This report focuses on human rights violations in Western Sahara since April 2014, when the UN last rejected the inclusion of human rights monitoring in Western Sahara. We argue that independent, impartial, comprehensive and sustained monitoring of human rights is vital. If MINURSO is to be more than just an idle bystander to gross abuses, it needs, in April 2015, a mandate to monitor human rights.

This report outlines the background to the Western Sahara conflict. It gives a history of human rights abuses in Western Sahara, which includes a discussion of alternatives to a human rights monitoring mandate for MINURSO. These are UN Special procedures, which

involve sporadic and short-term visits to the territory by UN experts, and Morocco's own human rights framework and mechanisms.

The report also takes an in-depth look at human rights abuses committed since the last UN vote on renewing MINURSO's mandate in April 2014. This section is complemented by an annex, which details all credible reports of abuses committed between 1 April 2014 and 1 March 2015. It concludes with recommendations to the government of Norway, the international community and universities.

This report is published on behalf of the Norwegian Students' and Academics' International Assistance Fund (SAIH), an organisation that advocates for the right to education globally. The report forms part of SAIH's wider 2015 "*Western Sahara: 40 years is long enough*" campaign for the inclusion of human rights monitoring in MINURSO's mandate, and for the Norwegian government to more actively support self-determination for the Saharawi people.



Photo: UN, Erik Schneider

Two people carrying water at Dakhla Refugee Ramp, Algeria.



# Background to the conflict

Western Sahara is the UN Decolonisation Committee’s last open African file. In 1975, Spain sold off its former colony to Morocco and Mauritania. A war ensued between the Saharawi guerrilla movement (the POLISARIO) and Morocco and Mauritania. Tens of thousands of Saharawi refugees fled their homes and formed camps in Algeria. A Moroccan-constructed military wall, the longest active one of its kind in the world<sup>3</sup>, divides the Moroccan- occupied part of Western Sahara from the regions liberated by the POLISARIO.

The UN brokered a ceasefire in 1991. MINURSO was tasked with organizing a referendum for the Saharawis. However, Morocco has made this impossible. As the stalemate continues, 165,000<sup>4</sup> Saharawi refugees continue to live in the camps in Algeria. Meanwhile, on the other side of the wall, tens of thousands of Saharawis live under a Moroccan occupation.

El Aaiun  
Photo: Barak Sabella

## Timeline

1884

Spain begins its colonisation of Western Sahara.

1963

The UN places Western Sahara on its list of non-self-governing territories and begins to pressure Spain to decolonise.

1969

The Vanguard Organisation for the Liberation of the Sahara, also known as Liberation Front, is formed by Mohammed Sidi Brahim Bassiri.

1970

5000 Saharawis head to Zemla square to demand independence. The Spanish legion open fire. Bassiri is forcibly disappeared.

1973

The POLISARIO (Popular Front for the Liberation of Saguia el Hamra and Rio de Oro) is formed with the aim of achieving independence.

1974

AUGUST: Spain begins preparations for a referendum on self-determination for the Saharawi people.

DECEMBER: Morocco claims that before Spanish colonization, Western Sahara formed part of its territory. It seeks the opinion of the International Court of Justice (ICJ).

MAY: A UN Mission of Enquiry finds “*an overwhelming consensus*” for independence and widespread support for the POLISARIO. It recommends that the referendum go ahead.

1975

OCTOBER 16TH: The ICJ issues its opinion: there were no ties of territorial sovereignty between Western Sahara and Morocco or Mauritania. The referendum should go ahead.

NOVEMBER: The “*Green March*” advances on Western Sahara. War ensues between POLISARIO and Morocco and Mauritania.

1976

FEBRUARY 26TH: Spain officially leaves the territory of Western Sahara, creating a political vacuum.

FEBRUARY 27TH: To fill this vacuum, the Saharawi state-in-exile, the Saharawi Arab Democratic Republic (SADR) is proclaimed by the POLISARIO in the liberated zone of Western Sahara.

1979

POLISARIO and Mauritania make peace and Mauritania recognises the SADR.

1981–1991

Morocco constructs the longest active military wall in the world with Saudi, French, Israeli and US backing.

1991

The UN brokers a ceasefire between POLISARIO and Morocco. The parties agreed to a self-determination referendum on independence for the Saharawis, to be organised by MINURSO.

1991–2015

A stalemate ensues. Morocco continuously blocks the referendum process.

1999

The first intifada erupts in the Occupied Territories, in which Saharawis demand human and socio-economic rights.

2005

The second intifada explodes, with demands this time focusing on independence.

2010

The Gdeim Izik camp is constructed in the desert near El Aaiún city. Thousands of Saharawis live there protesting for socioeconomic rights and sovereignty over natural resources.

2015

The diplomatic situation remains in deadlock. Moroccan violations of Saharawi human rights abound.



# Conceptual framework and methodology

The understanding of human rights used in this report draws on international human rights law, which protects individuals from state violations of their internationally recognized rights. People, “*rights-holders*,” have human rights as individuals, rather than as citizens of a particular state, and states, “*duty-bearers*,” have an obligation to respect, protect and fulfil human rights. The international community sees violations of human rights as of international, rather than of purely domestic, concern. A series of customary laws, declarations, binding instruments and mechanisms exists at an international level to support the international community to hold states to account. Similar conventions, commissions and courts exist at the African level.<sup>5</sup>

This report draws on interviews, which took place between April 2014 and February 2015 in Western Sahara, Morocco and Spain, with Saharawi survivors of human rights abuses. It also makes use of research by international human rights organisations, reports by UN Special Procedures, national parliamentary and foreign citizen delegations to occupied Western Sahara, and the work of Saharawi human rights and media groups. A total of 163 events where human rights were alleged violated have been collected, analysed and systematised. All these events are collected in an online annex to this report, found on [www.saih.no](http://www.saih.no). Each event are associated with a larger number of violations. For example, the first event in the online database is the arbitrary detention and subsequent trial (two abuses) of Almoujahid Mayara, Hajoub Khatari, Larabas Sleima (3 named victims). The second event, a violently repressed protest, involving 20 named victims, although the actual number of victims may well have been much larger. The claims of violations origin from international human rights organisations, Saharawi solidarity groups and media groups.

It is important to stress that these are all allegations. They have been cross-checked as much as possible, but they remain allegations. And this is the entire point. Only an independent and permanent mechanism can seriously assess the veracity of these claims.

The scope of this report is limited to human rights abuses committed against Saharawis in Moroccan-occupied Western Sahara, and against Saharawis detained and imprisoned in Morocco. It does not cover the part of Western Sahara controlled by POLISARIO, or the POLISARIO-run refugee camps in Algeria. Human Rights Watch, however, has recently published an in-depth report on the human rights situation in the latter.<sup>6</sup>

An annex to this report includes a full list of alleged human rights violations documented between 1 April 2014 and 1 March 2015.



Awsard Refugee Camp, Algeria.

# A human rights history of the Occupied Territories

## The war years

When Morocco and Mauritania invaded Western Sahara, those Saharawis that were able to fled their homes for the desert of neighbouring Algeria. As they did so, the Moroccan air force resorted to napalming civilian refugee encampments on at least four occasions.<sup>7</sup> Morocco and Mauritania took hold of the main Saharawi urban centres and began to terrorize the local population. Those Saharawis suspected of links with the POLISARIO were rounded up and imprisoned, often accompanied by their entire family,<sup>8</sup> including children.<sup>9</sup> Others who had no suspected links with the POLISARIO were reportedly selected at random to receive the same treatment, in order, it has been argued, to create a climate of fear amongst the population.<sup>10</sup> Detained Saharawis suffered violence and torture (several testimonies highlight that this treatment was extended to pregnant women and even babies)<sup>11</sup> and indeed many were tortured to death or died soon after their release due to their injuries.

## The lead up to the ceasefire

In 1987, the UN visited the territory in order to research the conditions for the planned self-determination referendum ahead of the 1991 ceasefire. Hundreds of Saharawis came out to demonstrate in favour of independence. In retribution, 300 were disappeared by Moroccan authorities. Most were kept in secret detention centres and regularly subjected to torture.

The majority of those that disappeared in 1987 and survived the violence (according to Amnesty International (AI) at least 48 of the Saharawis disappeared since 1975 had died by this point)<sup>13</sup> were released, along with other prisoners that had been detained in the seventies and early eighties, in 1991, parallel to the ceasefire. All had been kept incommunicado and without trial. Of the released prisoners, AI said, “*Some are paralysed or blind due to harsh prison conditions, others left their cells insane.*”<sup>14</sup> Many more remained in detention.<sup>15</sup>

The arrival of MINURSO in the territory seems to have had no impact on human rights violations: Human Rights Watch reported in 1995 that since the final quarter of 1991 hundreds more Saharawis were arrested and detained incommunicado, despite what it described as MINURSO’s unpractised but “*implicit*” powers to “*protect human rights*” during the transitional period of the Settlement Plan.<sup>16</sup>

In 1990, Morocco created the Consultative Council for Human Rights (CCDH) and in 1991, appointed its first ever Minister for Human Rights.<sup>17</sup> Whilst, by the early nineties, there were few forced disappearances of Moroccan political dissidents, as Amnesty International points out “[f]or Saharawis, “*disappearance, for a few weeks or months or indefinitely, [still] seems to have been used as the “normal” punishment*”.<sup>18</sup>

## The end of the “Years of Lead”?

By 1993, the so-called “*Years of Lead*,” the period that marked the peak of human rights violations for political dissidents, was over for Moroccans. Some sections of the Moroccan press and Moroccan human rights groups were beginning to speak out as early as 1990<sup>19</sup> about the disappearances of Moroccans in the seventies and eighties. Yet, the topic of Western Sahara was too dangerous to touch. Just as was the case for criticising the King, referring to the actions of the Moroccan state in Western Sahara in critical terms carried the risk of serious retributions. As such, Moroccan NGOs maintained silence over the continued disappearances of Saharawis.<sup>20</sup> Indeed, whilst throughout the nineties Amnesty International reported progress with regards to the human rights situation in Morocco, it simultaneously lamented that the improvements did not, by any means, extend to Western Sahara.<sup>21</sup>

It was not until 1998 that the climate of silence over gross human rights violations in Western Sahara was challenged. And when the challenge came, it was by the Saharawi formerly-disappeared themselves. This group began supplying information to Amnesty International in the early nineties, and in 1998, began travelling to Rabat and putting pressure on the CCDH regarding the cases of Saharawi survivors of forced disappearance, and of those who continued to be disappeared. They also began to work in partnership with Moroccan survivors of forced disappearance. The concerned Saharawis and their families suffered threats and intimidation from police for doing so.<sup>22</sup> It is therefore noteworthy, when considering alternatives to a human rights monitoring mandate for MINURSO, that the silence on gross human rights abuses against Saharawis was not broken by the new Moroccan state human rights mechanisms and institutions, but by ex-disappeared persons who did so under conditions of great personal risk.



## The *intifadas*

The death of the Moroccan King Hassan II in 1999 and the ascension to the throne of Mohammed VI ushered in a new phase for human rights in Morocco. The promise of a new era of relative openness coupled with the by now obvious failure of the UN Settlement Plan led an *intifada*,<sup>23</sup> which focused on demands for socio-economic and human rights. The initial protests involved sit-ins in front of the Nagjir hotel, where many MINURSO staff live. Nevertheless, the Saharawi protestors were violently beaten, and some disappeared.<sup>24</sup>

On the other hand, the new King established an arbitration commission to decide on compensation for certain victims of disappearance and arbitrary detention in previous decades,<sup>25</sup> and released some political prisoners, including 56 Saharawis in November 2001.<sup>26</sup>

In 2003, the human rights situation took, in AI's words, "*a step backwards*," and "*a sharp rise*" in the torture of political prisoners was observed.<sup>27</sup> In June of that year, the Saharawi-led Sahara branch of the Moroccan human rights organization the Forum of Truth and Justice was dissolved by El Aaiún's Court of First Instance.<sup>28</sup> Such setbacks, as AI has stated, were in "*stark contrast*"<sup>29</sup> to the 2003 establishment of the Equity and Reconciliation Commission (IER), which was tasked by Mohammed VI with investigating cases of enforced disappearances. In its final report, scarce information and no names were published of Saharawis disappeared in the war years. The IER, "*born with serious flaws*,"<sup>30</sup> failed the Saharawis.

In 2005 the Saharawi Independence Intifada erupted, the aftermath of which saw the return of some numerically limited but long-term forced disappearances of Saharawi pro-independence activists, a practice which, before then, had been largely absent since the early nineties.<sup>31</sup>

## A failing human rights framework

In January 2006, the Follow-up Committee of the Advisory Council on Human Rights (CCDH), Morocco's national institution for the promotion and protection of human rights, was set up to continue the work of the IER. Three years later, reflecting on IER's work, AI concluded "*little progress has been made in providing victims with effective access to justice and holding individual perpetrators to account*."<sup>32</sup> Whilst televised hearings that gave a platform to victims and relatives of the disappeared were held throughout Morocco, those planned for El Aaiún were cancelled without explanation.<sup>33</sup> Western Sahara was also left out of the wider collective reparations offered to regions disproportionately affected during the "*years of lead*."<sup>34</sup>

Saharawi victims of enforced disappearance and their families felt marginalized by the severely flawed financial compensation schemes of the CCDH's Arbitration Commission on Compensation.<sup>35</sup> Just like its predecessor, the CCDH did not bring justice for Saharawis. It is not an exaggeration to conclude that the inaction of the IER and CCDH indicated a lack of political will on the part of Morocco to improve its human rights record in Western Sahara.

## Gdeim Izik

The construction of the Gdeim Izik in October 2010 marked the greatest unrest in the Occupied Territories since the 1991 ceasefire. Gdeim Izik was a protest camp formed on the outskirts of El Aaiún by Saharawi families demanding their socio-economic rights and a halt to the plunder of their natural resources. An estimated 15,000 to 20,000<sup>36</sup> Saharawis pitched their tents and lived peacefully at Gdeim Izik for a month, until it was violently razed to the ground by Moroccan authorities.

Following the destruction of the camp, rioting of Saharawis in El Aaiún ensued, and both Moroccan police and Saharawis died during violent clashes. Moroccan civilians, some allegedly brandishing machetes, accompanied by Moroccan police looted Saharawi homes and beat their inhabitants.<sup>37</sup> Over 100 Saharawis were detained in relation to the disturbances in the month following the camp's destruction and over 150 were still in detention awaiting trial over a year later.<sup>38</sup> Many allege to being abused in detention, including rape in some cases.<sup>39</sup>

## Superficial reforms

In 2011, in response to widespread protests for reform in Morocco, the King announced a revised constitution containing strong human rights provisions. However, according to Human Rights Watch, these provisions "*did not translate into improved practices*."<sup>40</sup> Said superficial provisions included the establishment, in Dakhla and El Aaiún, of two regional offices of the National Human Rights Council (CNDH). However, as Western Sahara Action Forum (WSAF) has reported, two of the offices' committee members have since resigned at the offices' "*failure*," "*lack of political will*" and "*means*" to monitor human rights in Western Sahara.<sup>41</sup> HRW found, in April 2014, that the two offices "*have not made public a single report about human rights violations in the areas under their purview*" and that Moroccan authorities have responded "*rarely, if ever*" to the individual cases of Saharawis put forward by the two offices.<sup>42</sup>

After 26 months of pre-trial detention, on 17 February 2013 25 Saharawis were found guilty of various charges of violence surrounding the Gdeim Izik camp by a military court. Sentences included nine for life imprisonment. Some prisoners claim the real reason for their imprisonment is due to their peaceful advocacy for human rights and independence. As HRW points out, all prisoners claim innocence and that the "*confessions*" (the main, if not the sole evidence used to convict them) were extracted under torture.<sup>43</sup>

## MINURSO: Idle bystanders

In his April 2014 report to the UN Security Council, the UN Secretary General Ban Ki Moon called for "*sustained, independent and impartial monitoring of human rights*."<sup>44</sup> We have seen that the Moroccan state's human rights mechanisms cannot achieve this. Not only are they not independent, they are also far

"This silence works in Morocco's interests by ensuring a lack of pressure from international civil society"

from impartial, and have consistently failed the Saharawi people. Whilst UN Special Procedures, such as the visit of the Special Rapporteur on Torture (see p. 18), are welcome and important, they are nevertheless short, rare and certainly not comprehensive or "*sustained*," and have proved overwhelmingly insufficient. It is the conviction of the report authors that the best and most viable solution is to extend MINURSO's mandate to incorporate human rights monitoring.

In recent years, human rights monitoring has become an integral part of UN peace-keeping operations internationally. Indeed, MINURSO is the only peacekeeping operation created since 1978 not to have a mandate to monitor human rights. As HRW argues, such a mandate would deter abuses and promote accountability,<sup>45</sup> and the POLISARIO would welcome the extension of monitoring to the camps.<sup>46</sup> Besides, the UN itself recognizes its responsibility to look after the "*well-being*" and "*just treatment*" of the peoples of non-self-governing territories such as Western Sahara, as well as ensuring their "*protection against abuses*," in Article 73 of its Charter.<sup>47</sup>

In April 2014 the UN Security Council voted not to include human rights monitoring in the mandate of MINURSO. It decided to prolong the "*role*" of MINURSO staff as idol bystanders, or, as AI puts it, "*silent witnesses*" to grave human rights abuses. This report highlights the human rights violations that have been committed since the days leading up to the 2014 vote, in a bid to illustrate the extremely urgent need for monitoring to be included in the mandate in 2015.

Leaked cables have recently suggested a strong Moroccan lobby within the UN to block a human rights monitoring mandate for MINURSO, as well as the bribery of the Navanethem Pillay, the former UN High Commissioner for Human Rights, and members of her office.<sup>48</sup> The UN claims to be investigating this case. The Robert F. Kennedy Centre for Justice and Human Rights (RFK Centre) has called, in February 2015, for said investigation to examine the issue of whether the actions taken by Morocco and UN staff prevented the expansion of the MINURSO mandate to include human rights monitoring.<sup>49</sup>

But why does Morocco go to such efforts to prevent human rights monitoring? The current lack of independent, impartial, comprehensive and sustained human rights monitoring means that Morocco enjoys impunity in committing abuses. These abuses, which are targeted especially at those who demand self-determination, are arguably designed to instil such fear into the Saharawis that they will accept Moroccan rule and abandon the fight for independence. The lack of monitoring also serves to prolong the media silence on the conditions in Western Sahara. This silence works in Morocco's interests by ensuring a lack of pressure from international civil society for the Saharawis' right to self-determination. It is also worth pointing out that a truly free and fair referendum could never take place in a context of fear. The lack of human rights monitoring therefore directly undermines the UN's own peace process and prolongs the Moroccan occupation.

The MINURSO headquarters in El Aaiún.





# Human rights abuses in Western Sahara since April 2014



Outrage on Smara Avenue, El Aaiún.

## Freedom of Expression and Assembly

In January 2015, the international civil liberties, democracy and human rights NGO Freedom House listed Moroccan-occupied Western Sahara as amongst the “worst of the worst” territories in the world with regards to freedoms, along with Tibet and ten countries.<sup>50</sup> Since April 2014, Saharawis have continued to protest regularly in order to draw attention to human rights concerns, socioeconomic issues and their right to self-determination. They have faced brutal repression when doing so. Indeed, the report identifies 51 alleged incidents of brutality committed by the Moroccan authorities. In its 2015 report on human rights in the world (referring to events over the course of 2014), Human Rights Watch states that “[i]n Western Sahara, authorities prohibited all public gatherings deemed hostile to Morocco’s contested rule over that territory, dispatching large numbers of police who blocked access to demonstration venues and often forcibly dispersed Saharawis seeking to assemble.”<sup>51</sup>

On 2 April 2014, a group of Saharawis organised a vigil in solidarity with Saharawi political prisoners, and calling for a human rights monitoring mechanism to be included in MINURSO’s mandate. According to the Collective of Saharawi Human Rights Defenders (CODESA), there was heavy police mobilization on the streets of El Aaiún to prevent Saharawis from reaching the announced site of the vigil. The Saharawi organization alleges that several people trying to reach the vigil were “subjected to beatings, slander, verbal abuse, and other degrading practices”<sup>52</sup> from the Moroccan police. Eight Saharawis were subsequently taken to the Accident and Emergency department of El Hassan Ben Alehdi hospital, El Aaiún.<sup>53</sup> In the days leading up to, and post, the MINURSO vote, pro-human rights monitoring demonstrations spread across all the major towns of Western Sahara. All were met with heavy and violent repression, according to Saharawi human rights

organisations.<sup>54</sup>

As the UN Secretary General noted in his April 2014 report to the Security Council, “on most occasions” Saharawi protests are met with “heavy-handedness on the part of the security forces.”<sup>55</sup> Similarly, the UN Human Rights Council Working Group on Arbitrary Detention has noted “a pattern of excessive use of force in repressing demonstrations and arresting demonstrators calling for self-determination for the Saharawi population.”<sup>56</sup> This same Working Group reports that such demonstrators, once arriving at a police station or during their transfer there, tend to be “beaten, insulted and forced to reveal the names of other protestors.”<sup>57</sup> The Working Group also pointed to information they have received regarding the alleged abandonment of victims in rural areas after the assaults,<sup>58</sup> as well as the “regular” raids of Moroccan police of “the private homes of alleged or known supporters of independence for Western Sahara, using procedures that include beating and ill-treatment of the inhabitants.”<sup>59</sup>



## The case of Mahfouda Lefkir

Mahfouda Lefkir is a 30-year-old activist from El Aaiún. She has a history of being targeted by Moroccan police. Her testimony of the abuses she has suffered in the lead up to, and aftermath of, the 2014 MINURSO vote illustrates the lack of freedom of expression and assembly for those who advocate for human rights and self-determination.

On 11 January 2014, Mahfouda says she was assaulted by Moroccan police whilst participating in a protest demanding the release of all political protesters on Smara Street, El Aaiún. She reports injuries to her face, near her eyes and mouth. A few days later, on 15 January, Mahfouda took part in another protest on Smara Street. This time, protesters demonstrated in favour of human rights monitoring to be included in MINURSO’s mandate. Mahfouda says “the Head of the Security Zone and some other officers insulted me and hit me. They also threatened to rape me if I took part in any more protests.”

On 21 February 2014 Mahfouda was out for a walk with her husband, Lahbib Boutingiza, his friend Embairik Essah, and the couple’s two children: a girl, Noheila, then aged 11 and a boy, Mohammed, then aged 4. “We were walking along Skeikima Street, an avenue near our home when suddenly, at around 20:15, four police cars stopped beside us and a number of officers got out. They began to attack me, in front of my husband and kids. They insulted me with very rude words and told me that they were going to rape me. My husband tried to rescue me, but they hit him too, as well as his friend. They then told us they would take my daughter and rape her too. She was 11 years old at the time.”

In the lead up to the vote on the renewal of MINURSO’s mandate, Mahfouda was targeted

again. On 2 April 2014, along with her father and dozens of other Saharawis, she was taking part in a protest for the monitoring of human rights by MINURSO. Mahfouda says, “a group of policemen in civilian clothes beat me and pulled my hair. They dragged me in the street. As they dragged me, they tried to take off my clothes.” Mahfouda, along with several other protest participants, needed hospital treatment.

On 10 April, Mahfouda reports further police violence whilst demonstrating for self-determination. “A group of policemen in civilian clothing once again beat me and dragged me in the street. They insulted me with bad words.”

On 30 April, Mahfouda took part in a protest demanding the release of all Saharawi political prisoners. She says, “policemen under the supervision of the Head of the Security Zone and El Aaiún’s Chief of Police Nabil Laawina stripped off my melhfa [Saharawi women’s traditional clothing] and they beat me and insulted me. Once again, the same officer who always threatens me told me he was going to rape me.”

The following month, Mahfouda reports that the Moroccan authorities tried a different tactic to discourage her from participating in protests. She says that her social security benefit (of approximately €95) was stopped at the end of May, without explanation.

“A group of policemen in civilian clothes beat me and pulled my hair. They dragged me in the street. As they dragged me, they tried to take off my clothes.”



Photo: The Saharawi Club for Media and Documentation



## Judicial Abuses

Different Saharawi groups operate with differing numbers of political prisoners in Moroccan jails.<sup>60</sup> Human Rights Watch noted in 2014 “a pattern” of Moroccan courts convicting defendants in politically sensitive cases “solely on the basis of their confessions, without investigating claims that the police extracted the confessions through torture and ill-treatment.”<sup>61</sup> Similarly, the UN Human Rights Council Working Group on Arbitrary Detention finds that torture is used systematically to extract confessions, and judges not only fail to investigate allegations that statements have been extracted under torture, but also routinely accept said statements in court.<sup>62</sup> The same Working Group also drew attention to testimonies from lawyers that indicate that they are denied access to their clients within the legal time frame, and hence, “in the majority of cases, lawyers meet their clients only at the first hearing before the judge.”<sup>63</sup> The right to trial without unreasonable delay also seems to be regularly abused, according to reports from Saharawi human rights organisations published since April 2014.<sup>64</sup>

Mohammed Daoudi, who is known for his pro-self-determination views, is one such Saharawi who has experienced delayed trial. Daoudi was detained in September 2013, and, although he is a civilian, is awaiting a military trial despite Morocco’s March 2014 parliamentary-approved reforms to end the jurisdiction of military courts over civilians.<sup>65</sup> He has told his lawyers that he was beaten and forced to sign a “confession,” to the charge against him of possessing materials to build a weapon. He is currently detained in Salé prison, far from his family.<sup>66</sup>

Daoudi began a hunger strike on 1 November in protest at abuse by prison guards and the repeated delay of his trial. On 9 December, Frontline Defenders reported that Daoudi was vomiting blood, was unable to walk or talk and was having difficulty opening his eyes. Daoudi who, according to his family had been surviving on tea and sugar, ended the hunger strike after 51 days. According to Frontline Defenders, Daoudi’s detention was “believed to be related to his advocacy for the right to self determination of the Saharawi people and the fact that he had testified as a witness to the execution of a family in February 1976, whose bodies were discovered in the mass grave of Amgala in June 2013.”<sup>67</sup> Daoudi was released in March 2015.

All five of Daoudi’s sons have been arrested at least once since 2013, and four have served, or are serving, prison sentences. Brahim Daoudi, currently held in Inzagan prison, began a hunger strike on 8 January in protest against the miserable conditions in which he is held and the torture to which he claims to have been subjected.<sup>68</sup>

## Arbitrary detention

Short-term disappearances of Saharawis have continued throughout 2014. Such temporary disappearances form part of a decades-long pattern of treatment for Saharawi activists in which victims are held incommunicado and without a trial, and without informing family members or a lawyer.<sup>69</sup> Indeed, in its August 2014 report on Morocco and Western Sahara to the UN General Assembly, the Working Group on Arbitrary Detention claimed to continue receiving “credible” allegations of instances of incommunicado detention.<sup>70</sup>

Such was the fate of Mahmoud El Haissan, a Saharawi journalist. According to Reporters Without Borders, on 4 July 2014 El Haissan was taken from his home in El Aaiún by police to a secret location and, for 48 hours, his whereabouts remained unknown. After this time period, he was transferred to the Black Prison. El Haissan’s lawyer reported signs of physical mistreatment on his client’s body. El Haissan was accused of “belonging to an armed group”, “obstruction of public roads”, “assaulting police officials on duty” and “damaging public property”. However, Saharawi human rights organisations believe he was arrested for covering violent dispersal of demonstrations on 30 June for POLISARIO news channel RASD TV.<sup>71</sup> On 17 September, El Haissan initiated a hunger strike with six other Saharawi political prisoners in protest at having been tortured in front of other inmates. After several delays, he was finally tried on 3 December 2014, along with Abdelkarim Buchalga, a known Saharawi human rights activist. Buchalga faced the same charges as El Haissan. Both were sentenced to 18 months imprisonment.<sup>72</sup>

20 year-old Mohammed Lamin Haidala was also the victim of an arbitrary detention by police. His case is particularly abhorrent, ending, as it did, in his death. After being stabbed in the neck with a pair of scissors by a group of Moroccan settlers, Haidala was arrested by police on 30 January 2015, who shuffled him between El Aaiún hospital and the cells of a police station over a period of several days. Denied adequate medical treatment, Haidala died on 6 February. He was allegedly buried by police without his family’s consent.<sup>73</sup>

## Prison conditions

The UN Human Rights Council Working Group on Arbitrary Detention has found overcrowding of prisons to be a “serious problem.” It continues, “[o]vercrowding inevitably leads to serious violations, such as denial of or insufficient access to medical care, nutrition, sanitation, security and rehabilitation services.”<sup>74</sup> Since April 2014, dozens of Saharawi political prisoners have



## The arbitrary detention and rape of Lahweij Rguibano

On 16 December 2014 in El Aaiún 24 year-old Lahweij Rguibano was detained by police. Rguibano is a known activist who claims he is often targeted by the Moroccan police.

Lahweij says he was on his way to a peaceful demonstration that called for the release of all Saharawi political prisoners in Moroccan jails when he was detained. The protest was taking place on Smara Street, one of the main thoroughfares of El Aaiún near Maatalla district, where many Saharawis live.

“While I was walking down an alley, the Moroccan police caught me and put me in their car.” Lahweij was then reportedly driven to a rural area.

“They started hitting me on my face and all over my body with their batons. And I heard them saying, “we will rape you.” So they took off my pants and they raped me with a baton.”

After his ordeal, Lahweij says he was abandoned in the rural area on the outskirts of El Aaiún where the rape took place. This was on the eastern banks of the Red Canal, “Saguia el-Hamra.”

“They started hitting me on my face and all over my body with their batons. And I heard them saying, “we will rape you.” So they took off my pants and they raped me with a baton.”

After he had made it home, Lahweij visited Belmehdi hospital seeking treatment for his head, neck, arm, leg and back injuries. This was on the same day as the detention. Lahweij says he did not tell the doctor who had abused him, as he knew he would not be issued with a medical certificate if he mentioned the police. He was provided with a certificate, which attests to his rape and brutal beating. Lahweij has presented an official complaint to the Moroccan authorities with regards to his mistreatment.

Lahweij did not have the chance to complete his primary education. He says this was because he was expelled after raising a Saharawi flag in school. Lahweij, however, denies this allegation.

Lahweij is a member of the Coordination of Gdeim Izik for Peaceful Movement group.



Photo: The Saharawi Club for Media and Documentation



used hunger strike in protest at their treatment in prison, which includes being subjected to torture and solitary confinement, being denied medical attention, books, newspapers, adequate food, and, in some cases visits from family members or any other sort of contact with the outside world.

On 14 April 2014, political prisoner Salek Laasairi began a 38 day hunger strike in protest at his belongings being confiscated and destroyed by prison guards, severe beatings from guards, being put in solitary confinement, and the denial of medical treatment. He claims that he has endured such treatment for the ten years that he has so far spent in prison.<sup>75</sup>

## The use of torture

On 1 December 2014 the Optional Protocol to the Convention against Torture (OPCAT) announced that Morocco had ratified its treaty.<sup>76</sup> A few weeks later, 22 year-old Saharawi Abdul Baqi died in El Aaiún's Black prison (he had been there just one month), allegedly tortured to death after complaining of the poor conditions there. As is the case with the other seven Saharawi prisoners that have died in suspicious circumstances in the last two years, no investigation has been opened to establish the cause of death or to bring the guilty parties to justice.<sup>77</sup>

Following its visit to occupied Western Sahara, the UN Human Rights Council Working Group on Arbitrary Detention reported, in August 2014 that, for supporters of independence for Western Sahara, *"there is a pattern of torture and ill-treatment by police officers [...] Many individuals have been coerced into making a confession and sentenced to prison on the sole basis of that confession."*<sup>78</sup>

In its May 2014 report on the use of torture in Western Sahara and Morocco, Amnesty International identified the most common types of torture practiced on detainees in both countries: beatings, including blows to the head, genitals, soles of the feet, and other sensitive body parts, sometimes while stripping people naked; suspending detainees by the wrists or other body parts while beating them; forcing detainees' heads down toilet bowls or gagging them with urine-soaked materials; prolonged solitary confinement; and rape and other sexual violence.<sup>79</sup> 55 Saharawis have complained of suffering torture since April 2014, including seven minors.

There seems, regrettably, to have been no progress made since the release of the 2013 report of Juan Mendez, the UN's Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. Mendez found that in Western Sahara

torture is used to extract confessions<sup>80</sup> that there is a *"pattern of excessive force in repressing demonstrations and in arresting protestors,"* and

## "55 Saharawis have complained of suffering torture since April 2014, including seven minors."

that protestors are *"routinely"* beaten on route to, and at, police stations.<sup>81</sup> With regards to El Aaiún's Black Prison, he reported receiving *"credible testimonies relating to torture and ill-treatment [...] including rape, severe beating and isolation up to several weeks, particularly of inmates accused of participating in pro-independence activities."*<sup>82</sup> He noted that the practice of incommunicado detention continues.<sup>83</sup>

## Freedom of Association

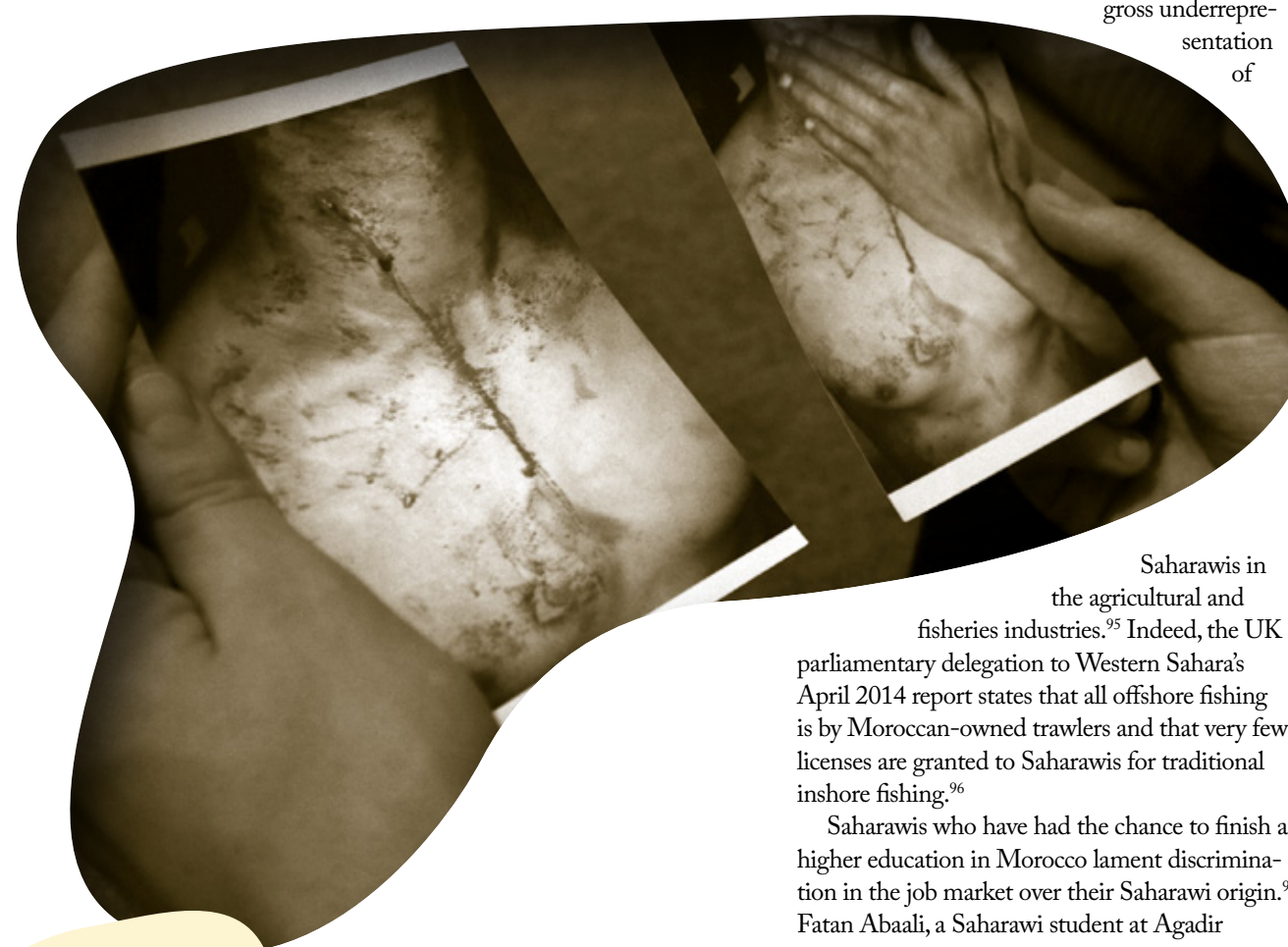
Open debate, criticism of the government and pro-independence activities continue to be repressed in Western Sahara. Contact with the outside world for Saharawis is extremely limited, as the expulsions of foreign journalists, human rights activists and students attests to. Over the course of 2014, at least 40 foreign citizens were either expelled from inside Western Sahara or denied entry at its borders.<sup>84</sup> The majority of the expulsions occurred in the weeks immediately surrounding the UN Security Council vote on the renewal of MINURSO's mandate. Also, in 2014, Amnesty International complained that its activities in Morocco had been restricted by authorities,<sup>85</sup> whilst the UN Human Rights Council Working Group on Arbitrary Detention regretted that its meetings in El Aaiún (which took place in December 2013) were monitored. The organization also expressed serious concerns about Saharawi prisoners voicing fear of reprisals for participating in interviews.<sup>86</sup>

Saharawi-led organisations that focus on human rights are still systematically prevented from registering, as has been noted by the UN Secretary General in his 2014 report to the Security Council.<sup>87</sup> Human Rights Watch has highlighted that this barrier extends even to those organisations that have won administrative court rulings over their wrongfully denied recognition.<sup>88</sup>

## Discrimination in the Job Market

The general principle of equality and non-discrimination is a fundamental element of international human rights law and the right to work is enshrined in article 23 of the Universal Declaration of Human Rights.<sup>89</sup>

A January 2015 submission to the International



These photos show Mohammed Lamin Haidala, who died shortly after being stabbed in the neck by settlers with a pair of scissors, January 2015.

Photo: SAIH

## "During those four decades, Morocco has not seen fit to build a single university in Western Sahara."

Covenant on Economic, Social and Cultural Rights (ICESCR) on the occasion of Morocco's fourth periodic report on its implementation of the covenant by a coalition of human rights and cultural organisations<sup>90</sup> states that employment discrimination against Saharawi individuals is *"severe."* The coalition reports that Saharawis are under-represented in terms of employment in almost every professional sector.<sup>91</sup> As a case in point, they note the Fos Boucraa phosphate mine (as WSRW notes in its own submission the ICESCR, this is the biggest source of revenue for Morocco derived from selling the natural resources of Western Sahara at \$220 million per annum).<sup>92</sup> Saharawi organizations alledge that there are fewer than 200 Sahrawi among the 1900 mine workers, all of them forced to work in manual labour positions.<sup>93</sup> Saharawis employed at Fos Boucraa claim that certain benefits are offered to Moroccan employees that are not extended to Saharawis.<sup>94</sup> WSRW has noted similar patterns of

gross underrepresentation of

Saharawis in the agricultural and fisheries industries.<sup>95</sup> Indeed, the UK parliamentary delegation to Western Sahara's April 2014 report states that all offshore fishing is by Moroccan-owned trawlers and that very few licenses are granted to Saharawis for traditional inshore fishing.<sup>96</sup>

Saharawis who have had the chance to finish a higher education in Morocco lament discrimination in the job market over their Saharawi origin.<sup>97</sup> Fatan Abaali, a Saharawi student at Agadir

University, described the situation as follows:

*It's like a club, a private club. If you visit El Aaiún, inshallah, you will notice that there are a lot of Saharawi youths just like us: educated; with a bachelors degree or a Masters degree, but they still*

*can't find a job. You find Moroccans coming from North Morocco to work in El Aaiún, and getting paid a good salary, and the natives can't find a job."*<sup>98</sup>

Discrimination allegedly reaches new levels when the Saharawi in question is known for her or his political activities. Mohammed El Baikam, for example, who is a representative of the Association of Saharawi Fishermen of Dakhla, claims to have lost his job following his participation in protests against the plunder of Western Sahara's fisheries by the European Union and others.<sup>99</sup>

## Discrimination in educational institutions

The right to education is enshrined in Article 26 of the Universal Declaration of Human Rights.<sup>100</sup> In their aforementioned report to ICESCR, a coalition of human rights and cultural organisations find that Saharawi students are routinely *"neglected, insulted or beaten"* by some teaching and administrative staff at school, especially when they speak Hassania, the Saharawi dialect of Arabic.<sup>101</sup> Older, politically active students are often expelled from school under various pretexts.<sup>102</sup> Saharawi culture and history is omitted from the school curriculum. Moroccan law enforcement officers maintain a presence in secondary schools and around their perimeters.<sup>103</sup> The coalition states that it has received *"several testimonies of arbitrary violence perpetrated by security forces against Sahrawi children, ranging from stealing food to sexual harassment and serious physical assaults."*<sup>104</sup> Isabel Lourenço, member of the Western Sahara human rights organisation Adala UK, has documented several testimonies of school children collected during her visit to El Aaiún in Autumn 2014. The testimonies attest to the rape and serious physical assault by police of school children as young as eight.<sup>105</sup>

2015 marks the 40th year of the Moroccan occupation of Western Sahara. During those four decades, Morocco has not seen fit to build a single university in Western Sahara. Travelling to Morocco to attend a university there is a significant economic burden for Saharawis. As such, higher education is not an option for many. Those Saharawis that do manage to club together the necessary funding complain of discrimination. Many allege racist treatment on the part of some of their teachers and university administrative staff.<sup>106</sup> Over the course of 11 and 12 December 2014, 14 Saharawi students protesting against the administrative failings of the University of Agadir were arrested and allegedly tortured.<sup>107</sup>

## Right to Cultural Expression

The numerous restrictions on, and the serious repression of, Saharawi culture as



## MINURSO's "neutrality," arbitrary detention and torture

The UN Secretary General, in his April 2014 report to the Security Council, highlighted the Moroccan number plates on UN vehicles, as well as the Moroccan flags flying at MINURSO's headquarters, as "*an issue*" having a "*negative impact*" on "*the perception of MINURSO neutrality*." However, he also claims, in the same report, that the "*issues have now been largely resolved through pragmatic solutions agreed upon by the Moroccan authorities*." According to the Secretary General, removing "*all but one of the Moroccan flags*" is a solution. He also claims that the "*gradual replacement of the Moroccan plates with plates chosen by the United Nations will be starting soon*." The case study below of six young Saharawis indicated that perhaps these so-called "*pragmatic solutions*" have not started soon enough.

Two journalists, Mohammed Khar and Khaled Errohi, along with four young activists, Aali Saadouni, Hamza Ahl Filali, Nour Eddine Elarkoubi and Emrabih Esaaydi, say they were abducted and tortured by police on 25 October 2014. They say they were targeted on the back of having painted a UN vehicle in protest at MINURSO's inaction, and attempting to remove the Moroccan number plates from the same car.

At the time of their detention, the six Saharawis were sitting in a café on Smara Street. "*We could tell that there was a car full of spies watching us*," they said. Half an hour after they spotted the car, five more cars pulled up, each of which was allegedly occupied by plain-clothed police.

"*The police came out and besieged us. We recognised many of the officers who are known for beating people up during protests*."

"*They took us by force. Three of us were put in one car and three in another and they drove us out of the city to a rural area*." The six men faced similar abuse. All say they were "*blindfolded with rags*."

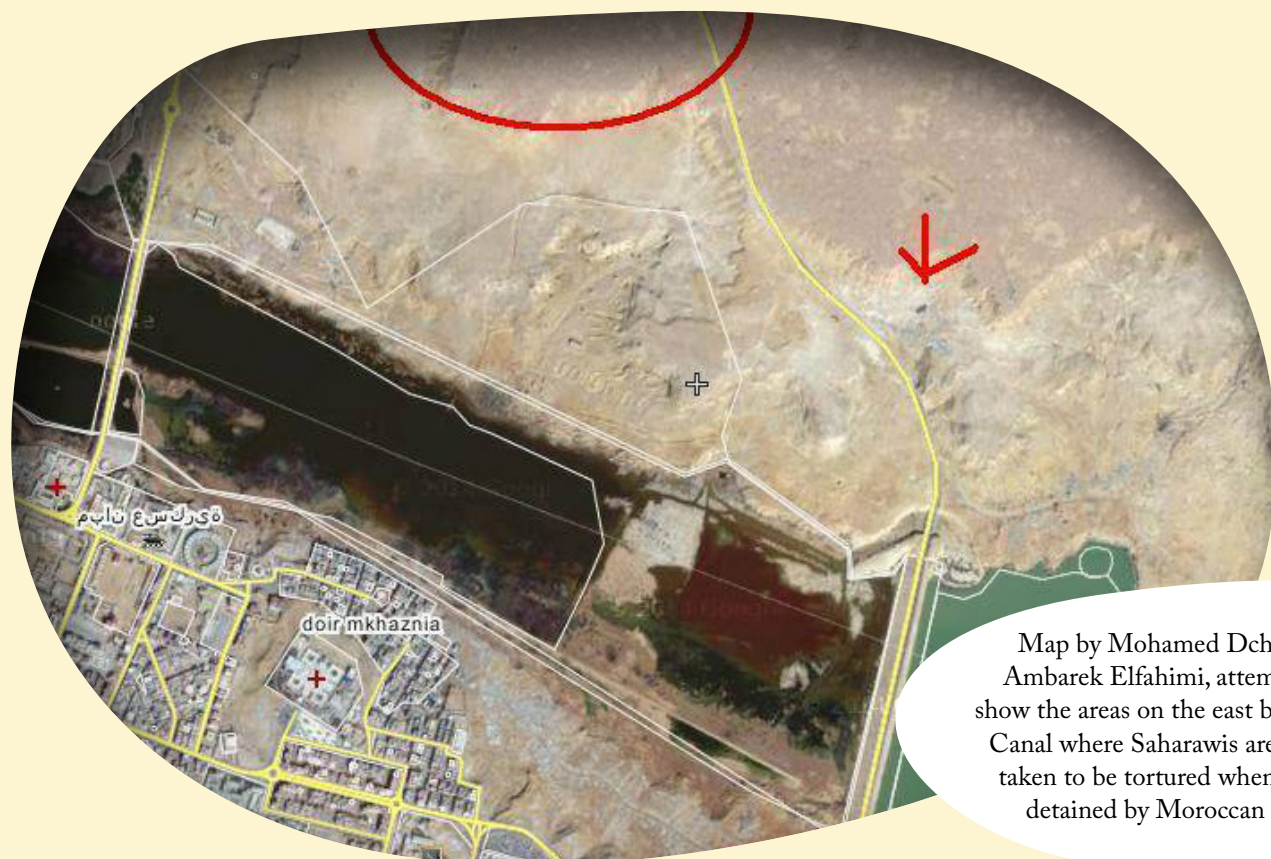
"*They took off all our clothes and made us lie,*

*face down, on the ground, then the police started to torture us in a very savage way. They raped us with sticks, whilst asking who it was that had painted the UN vehicle. At first, we didn't tell them anything, but they kept raping us brutally and beating us until finally we all confessed.*"

"*Police told us that if we continued such acts of protest, they would kill us in the future. They said, 'we don't want to see your faces in any protests, in cafes, or in the street.' Then, the police took us again, three of us in each of the two cars, and dumped us on the Eastern bank of the Red Canal river.*"

**"The police came out and besieged us. We recognised many of the officers who are known for beating people up during protests"**

Two of the men, Khaled Errohi and Mohammed Khar, claim they were abandoned completely naked. All six men say that all the money that they had on their persons was taken, as were two mobile telephones.



Map by Mohamed Dchira and Ambarek Elfahimi, attempting to show the areas on the east bank of Red Canal where Saharawis are regularly taken to be tortured when they are detained by Moroccan police.

reported by the UN's Independent Expert in the field of cultural rights in 2012<sup>108</sup> have unfortunately continued into 2014.

Saharawis are traditionally nomadic people, who would herd their animals across the vast desert landscapes, living in large tents called haimas. 2014 saw further incidents of police harassment of Saharawis pitching haimas in the countryside or on the beach. CODESA reported two such incidents, both at Fam Lwad beach (a traditional holiday location for Saharawis escaping the summer heat), in which police tried to prevent access to the beach and to stop Saharawis from pitching their haimas. Saharawis that did try to pitch their haimas allegedly saw their personal belongings confiscated, and, in one reported case, five Saharawis were taken to the Gendarmerie headquarters in El Aaiún for nine hours of questioning. CODESA believes that the restrictions on pitching tents, which have been enforced since late 2010, are linked to the Gdeim Izik protest camp.<sup>109</sup>

July 2014 saw the closure, by Moroccan authorities, of the Kaisariat mosque in El Aaiún, which was by far the most popular mosque for Saharawis. It was created by Saharawi merchants near the Saharawi-dominated quarter of Maatalla and was led by the sole Saharawi imam in Western Sahara.<sup>110</sup> This mosque was preferred by Saharawis since it was rare (in the context of occupied Western Sahara and Morocco) in that it was not linked to the Ministry of Endowments and Islamic Affairs. This Ministry, whose

**"On 23 April 2014, 29 year-old Saharawi shepherd Ahmeitu Mahmoud died following a landmine explosion"**

permission all mosques should in theory have in order to operate, dictates a pro-royal speech for the imams of all mosques to recite at Friday prayers. Kaisaret, free from such restrictions on freedom of worship, was reportedly, therefore, a breath of fresh air for many. The Moroccan authorities allege that they closed the mosque since it was illegal, created, as it was, without permission of the relevant Ministry. Saharawis, however, say that it was shut due to its popularity amongst the Saharawi population, pointing out that similar Moroccan-run mosques created by merchants in the same city are allowed to operate.<sup>111</sup>

Landmines, as well as numerous police checkpoints, continue to prevent the traditional lifestyle of the historically nomadic Saharawis. As the UN Independent Expert on Cultural Rights has pointed out, it is very difficult for Saharawis to get the police reports they need to

gain compensation if they fall victim to a mine.<sup>112</sup>

On 23 April 2014, 29 year-old Saharawi shepherd Ahmeitu Mahmoud died following a landmine explosion, about 30 kilometers from Smara.<sup>113</sup> Four months later, he was followed to the grave by 31 year-old Saharawi shepherd Abdellahi Eljarshi, who died after stepping on a landmine in an area zone known as El Madelshiat, close to the Wall.<sup>114</sup>

## Plunder

According to Article 1 of the International Covenant on Civil and Political Rights ICCPR of which Morocco is a state party, "[a]ll peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence."

<sup>115</sup>Morocco's exploitation of Western Sahara's natural resources helps to financially maintain and strengthen its illegal occupation. As WSRW argues, third parties that enter into agreements with Morocco to exploit resources add to Morocco's frail veneer of legitimacy and create further disincentives for Morocco to heed the UN peace process.<sup>116</sup> The exploitation of non-renewable resources also deprives the Saharawi people of their future right to natural resources when they achieve self-determination.<sup>117</sup>

2014 saw some unsavoury developments with regards to the plunder of Western Sahara. In December, in partnership with the Moroccan state energy company ONHYM, US company Kosmos and British Cairn Energy began the first ever oil drilling activities in Western Sahara's waters. Saharawis that have protested against Kosmos and Cairn have suffered violence for doing so. Mohammed Alouat, a physically disabled ex-political prisoner, for example, was slashed in the street with a razor blade by Moroccan police whilst holding up anti-Kosmos posters. Similarly, 18 year-old Elfayda Khaya sustained injuries to her eye when police beat her for attempting to film an anti-Kosmos protest.<sup>118</sup> Elfayda wrote to the Chairman of Kosmos to ask how many times she has to be beaten before he will leave her country's oil alone.<sup>119</sup>



# Concluding remarks

As the UK's first parliamentary delegation to Western Sahara remarked in April 2014, *"the single most important human right denied [to] the Saharawi people is their right to self-determination."*<sup>120</sup> 2015 marks the fortieth year that Saharawis have faced the violence of their Moroccan occupiers.

It continues to be those Saharawis that openly express their will for self-determination, as well as those that demand respect for other human rights, that suffer the most violent abuses. Many are subjected to unfair trials, sometimes before a military court, often following several months of detention in inhumane prison conditions. There are allegedly 43 Saharawi political prisoners in Moroccan jails at the time of writing. All Saharawis, since the last renewal of the MINURSO mandate, have continued to experience repression of their culture, as well as suffering discrimination whilst trying to access their rights to education and employment.

As Saharawis are beaten in the streets (there were 51 reports of collective police brutality against Saharawis in the period covered by this report), tortured – sometimes to death – behind the walls of prisons and secret detention centres (three such deaths have been reported since April 2014, plus one more ex-prisoner died just a few days after release), denied jobs and education and prevented from practicing their traditional nomadic lifestyles thanks to landmines, military walls and the prohibition of camping, MINURSO staff look on indifferently, just as they have done since 1991. They are idle bystanders to one of the most brutal and oppressive occupations in the world. Unscrupulous companies, on the other hand, are actively complicit in this occupation through their natural resource exploitation activities.

On 6 November 2014, the 39th anniversary of the Green March, Mohammed VI made a speech to Moroccan citizens in which he outright rejected *"any attempt to revise and expand the MINURSO mandate to include such matters as the supervision of the human rights situation."*<sup>121</sup>

He also repeated a remark he made in his 2009 Green March speech: *"One is either a patriot, or a traitor,"* which Western Sahara Action Forum (WSAF) amongst others have interpreted as *"an articulated policy of amplified hostility towards Saharawi."*<sup>122</sup> The speech continued, *"[...] for those who persevere in committing treason, they must bear in mind that all national and international laws regard conspiring with the enemy as high treason."*<sup>123</sup> The King has given a green light to the highest punishments for those who express pro-self-determination views. He rejects sustained and independent human rights monitoring and gives human rights violations a royal endorsement.

The international community must not continue to stand by silently. In April 2015, it must support a mandate for MINURSO to provide independent, impartial, comprehensive and sustained human rights monitoring in Western Sahara.

**"They are idle bystanders of one of the most brutal and oppressive occupations in the world."**



Photo: The Saharawi Club for Media and Documentation

# Recommendations

## TO THE GOVERNMENT OF NORWAY AND THE INTERNATIONAL COMMUNITY:

*Actively support a mandate for MINURSO to provide independent, impartial, comprehensive and sustained human rights monitoring in Western Sahara.*

Without such a mechanism for human rights monitoring, Morocco can continue to commit heinous human rights abuses with impunity. This undermines the UN peace process. Alternatives to a human rights monitoring for MINURSO, such as short and sporadic visits by UN Special Procedures, or Moroccan human rights mechanisms, have proved, respectively, insufficient and incompetent.

*Actively support the realisation of a self-determination referendum with the option of independence for the Saharawi people.*

It is the International Community's responsibility to ensure that international law is respected and that the UN process for decolonisation, that is, a self-determination referendum for the people of Western Sahara with the option of independence, is followed to its end. The alternative offered by Morocco, autonomy under Moroccan rule imposed without a referendum with the option of independence, contravenes the entire UN discourse on decolonisation. 40 years of occupation and the continuation of the stalemate is completely unacceptable. The international community must take action to force Morocco to accept its processes for decolonisation and peace.

*Discourage, and divest from, companies that undermine the UN process and breach international law by exploiting the natural resources of Western Sahara without the consent of the Saharawi people. Discourage national governments and politico-economic unions (such as the European Union (EU)) which do the same.*

The exploitation of Western Sahara's natural resources without the consent of the Saharawi people risks constituting the war crime of plunder. Such actions provide financial incentives to Morocco to continue to undermine the UN peace process, contradict the UN Legal Opinion on the matter, help fund the Moroccan occupation and the human rights abuses it commits, provide a veneer of legitimacy to the Moroccan occupation and, in the case of non-renewable resources, ensure that the Saharawis will not benefit from their own resources upon achieving their independence. National governments therefore need to denounce companies, other governments, and indeed the EU, to put a halt to the plunder.

## TO UNIVERSITIES AND OTHER HIGHER EDUCATION INSTITUTIONS:

*Ensure that university investments, and engagement with private sector actors, are subject to ethical standards that reject complicity in human rights abuses. Such ethical standards should outright and explicitly reject any investment in, collaboration with, or purchasing of goods and services from, companies that trade or operate in occupied Western Sahara and its waters, that facilitate the building or maintenance of the military wall, or that provide weapons, security systems, prisons or other military support for the Moroccan occupation.*

Investing in, or purchasing goods and services from, such companies provides indirect financial support to the Moroccan occupation and the human rights abuses that accompany it. Engagement with the companies through research collaborations or making university facilities available for recruitment or public relations purposes demonstrate complicity with the companies' actions. It is ethically unacceptable that universities and higher education (HE) institutions show complicity in such violations of international law. The implementation of strong ethical guidelines, with clear language on Western Sahara, would ensure that universities and HE institutions avoid such an eventuality.



# Annex: Human rights violations in Western Sahara

This annex is a shortened overview of the cases and different types of human rights violations in Western Sahara, April 1 2014 – March 1, 2015. Given the difficulties of reporting, recording and verifying human rights violations in Western Sahara, we expect that this overview is far from exhaustive. Based on 163 events of human rights abuse, 256 different cases of human rights violations have been identified, involving 283 named victims. For a detailed list of the stories and sources behind each individual case, see the full online version on SAIH’s web page ([saih.no](http://saih.no)).

Category	Rights framework	Number of cases
Delayed trial	Possibly a violation of the defendants’ right to be tried without unreasonable delay, a right guaranteed by the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a state party, (international law does not define what constitutes excessive pre-trial detention)	10
Arbitrary detention	Contravenes article 9 of the ICCPR, and article 9 of the Universal Declaration of Human Rights	26
Torture or cruel, inhumane and degrading treatment	Contravenes article 5 of the Universal Declaration of Human Rights	25
Arbitrary arrest	Contravenes article 9 of the Universal Declaration of Human Rights	4
Denial of freedom of expression	This right is enshrined in article 19 of the Universal Declaration of Human Rights	12
Denial of freedom of movement	This rights is enshrined in article 13 of the Universal Declaration of Human Rights	4
Denial of freedom of peaceful assembly and association	These rights are enshrined in article 20 of the Universal Declaration of Human Rights	27
Arbitrary confiscation of property	Violation of article 14 of the Universal Declaration of Human Rights	9
Harassment from Moroccan security forces	Police harassment of human rights defenders and pro-independence advocates violates their rights to freedom of expression and opinion. In some cases, police harassment also possibly contravenes Article 12 of the Universal Declaration of Human Rights, “ <i>No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.</i> ”	11
Unfair trial	Contravenes article 10 of the Universal Declaration on Human Rights	14
Death	Arbitrary and unlawful killings by the state contravene article 3 of the Universal Declaration on Human Rights and article 6 of the ICCPR	5
Attack on Saharawi culture	The International Covenant on Economic, Social and Cultural Rights (ICESCR), to which Morocco is a state party, recognizes the right to take part in cultural life and benefit from culture. Cultural rights are also enshrined in article 22 of the Universal Declaration of Human Rights	3
Denial of medical treatment	Parties to the ICESCR, which include Morocco, agree to “ <i>the creation of conditions which would assure to all medical service and medical attention in the event of sickness</i> ”	10
Brutality from the Moroccan authorities	Using unnecessary force violates article 3 of the UN Code of Conduct for Law Enforcement Officials.	55

Category	Rights framework	Number of cases
Sexual violence	The international community, through various legally binding treaties as well as through declarations, resolutions and other statements, has recognized that sexual violence is a human rights issue. See for example articles 6, 7, 20, 23 and 26 of the ICCPR.	3
Landmine victim	The 1997 Mine Ban Treaty bans the use, stockpiling, transfer and production of landmines. It requires that states clear mined areas and assist landmine survivors. Morocco is not a signatory, however.	2
Collective punishment	It has been argued that collective punishment violates various human rights. See for example the arguments of the Islamic Human Rights Commission on international law and the right to life: <a href="http://ihrc.org.uk">ihrc.org.uk</a>	1
	Contravenes Article 1 of the ICCPR	2
Plunder	Morocco’s removal of foreigners from a territory it illegally occupies is ethically questionable. Whilst expelling a foreign citizen may not constitute a human rights violation, it nevertheless has a large impact on the ability of Saharawis to draw international attention to the human rights violations that they continue to suffer. For this reason, we have included it as a category in the annex.	29
Expulsion of foreigners		
Settler violence	Article 2(3) of the International Covenant on Civil and Political Rights (ICCPR) affirms that every State Party to the Covenant undertakes “ <i>to ensure that any person whose rights as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.</i> ” Article 26 of the Covenant prescribes the obligation to ensure that all persons are entitled to equal protection before the law without discrimination.	3
Right to education	The right to education is enshrined in Article 26 of the Universal Declaration of Human Rights	1
		Total: 256

## SOURCES

(See detailed description in the full online version)  
The Collective of Saharawi Human Rights Defenders (CODESA)  
Equipe Media (Media Team, EM)  
The Saharawi Association of Victims of Grave Human Rights Violations (ASVDH)  
Saharawi Centre for Media and Communications (SCMC)  
The Committee for Support of the United Nations Resolution and the Protection of Natural Resources (CSPRON)  
Committee of Families of Political Prisoners Group Gdeim Izik  
The Committee for Defense of the Rights to Self-determination for the Saharawi People (CODAPSO)  
Amnesty International (AI)  
Western Sahara Resource Watch (WSRW)  
Western Sahara Human Rights Watch (WSHRW)  
Dales Voz a las Victimas (Give a Voice to the Victims)  
Reporters Without Borders (RSF)  
The State Coordination of Associations of Solidarity with the Sahara (CEAS Sahara)  
Por un Sahara Libre (For a Free Sahara)  
Adala UK

The Gdeim Izik Organising Committee  
Saharawi Future (Futuro Sahara or Revista Futuro Saharaui)  
La Red de Medios Radio Maizaret (Network Maizaret, Red Maizaret)  
Frontline Defenders  
The Norwegian Support Committee for Western Sahara  
Saharawi National Women’s Union (UNMS)  
Andalucía Información (Andalusia Information)  
Voz del Sahara en Argentina (Voice of the Sahara in Argentina)  
Asociacion por la protección y difusión del patrimonio cultural saharaui  
Campaña Internacional Libertad Presos Políticos Saharauiis (International Campaign for the Freedom of Saharawi Political Prisoners)  
Human Rights Watch (HRW)  
Sahara Press Service  
The Saharawi Organization for Independent Media (SOMI)  
The Robert F. Kennedy Centre for Justice and Human Rights (RFK Centre)

Photo: Barteek Sabela



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## Sources

<sup>1</sup>Photo on p.2-3: Ammar Hassan/Flickr CC - [flickr.com](https://www.flickr.com/photos/ammahassan/)

<sup>2</sup>A forced disappearance occurs when a person is secretly abducted or imprisoned by, or with the support of, the state or a political organisation. The victim is thereby placed beyond the protection of the law, and information on her or his whereabouts or fate is denied.

<sup>3</sup>Pablo San Martín and Joanna Allan, “*The Largest Prison in the World: Landmines, Walls, UXOs and the UN’s Role in the Western Sahara*,” Spanish Strategic Studies Group, Collaborations No. 1641, 17 April 2007, p.2.

<sup>4</sup>This number is the Algerian government’s estimated, cited in Ben Smith, UK Parliamentary Briefing on Western Sahara, 11 February 2014, p.2.

<sup>5</sup>A useful summary, which was used by the report writers, of how human rights standards are derived from international law and applied can be found in Laure-Hélène Piron and Francis Watkins, DFID Human Rights Review: A Review of How DFID Has Integrated Human Rights into its Work, London: Overseas Development Institute, July 2004, p.15, available at [odi.org](https://odi.org/en/publications/24222/) [accessed 27 January 2015].

<sup>6</sup>Human Rights Watch, Off the Radar: Human Rights in the Tindouf Refugee Camps, 18 October 2014, available at [hrw.org](https://www.hrw.org/) [accessed 6 March 2015].

<sup>7</sup>Stephen Zunes and Jacob Mundy, War, Nationalism and Conflict Irresolution, New York: Syracuse University Press, 2010, p.114.

<sup>8</sup>Amnesty International (AI), Morocco: A Pattern of Political Imprisonment, “*Disappearances*,” and Torture, 1 March 1991, p.37, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2014].

<sup>9</sup>AI, Report of an Amnesty International Mission to the Kingdom of Morocco, 1981, lists the names of Saharawis disappeared from Tan Tan and Goulimine in Southern Morocco, available at [amnesty.org](https://www.amnesty.org/) [6 February 2015]. On the disappearance of children see, AI, No More Half Measures: Addressing Enforced Disappearance in Morocco and Western Sahara, 28 August 2009, p.2, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015].

<sup>10</sup>AI argues that the disappearances had the aim of creating a climate of fear (AI, Morocco: The “*Disappeared*” Reappear, 17 August 1993, p.3, available at [amnesty.org](https://www.amnesty.org/) [accessed 25 January 2015]), whilst French human rights organisations claim victims were selected at random: France Liberté Foundation and French Association of Friendship and Solidarity with the Peoples of Africa (AFASPA), International Mission of Investigation in Western Sahara, AFASPA: Bagnolet, 2003, p.13

<sup>11</sup>See France Liberté Foundation and AFASPA, op.cit., 2003, for a collection of such testimonies. The report suggests a pattern of targeting pregnant women and women with infants.

<sup>12</sup>AI, Morocco: Torture in Morocco and Western Sahara, 13 May 2014, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015].

<sup>13</sup>AI, op.cit., 17 August 1993, p.2.

<sup>14</sup>AI, Morocco: Hundreds of “*Disappeared*” Sahrawis Still Unaccounted For, 27 August 1991, available at [amnesty.org](https://www.amnesty.org/) [accessed 25 January 2015].

<sup>15</sup>AI, op.cit., 27 August 1991.

<sup>16</sup>Human Rights Watch, Keeping it Secret: The United Nations Operation in the Western Sahara, 1 October 1995, available at [hrw.org](https://www.hrw.org/) [accessed 28 January 2015].

<sup>17</sup>AI, Morocco: the Pattern of Political Imprisonment Must End, 30 April 1994, p.9, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015].

<sup>18</sup>AI, Breaking the Wall of Silence: the “*Disappeared*” in Morocco, 13 April 1993, p.10, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015].

<sup>19</sup>See Human Rights Watch (HRW), Human Rights Watch World Report 1992 - Morocco and Western Sahara, 1 January 1992, available at: [refworld.org](https://www.refworld.org/) [accessed 28 January 2015]

<sup>20</sup>AI, op.cit., 13 April 1993, p.17.

<sup>21</sup>See AI, Morocco: the Pattern of Political Imprisonment Must End, 30 April 1994, pp.9-10, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015], AI, Morocco/Western Sahara: Human Rights Violations in Western Sahara, 18 April 1996, available at [amnesty.org](https://www.amnesty.org/) [accessed 28 January 2015], and AI, Morocco/Western Sahara: “*Turning the Page*”: Achievements and Obstacles, 3 August 1999, available at [amnesty.org](https://www.amnesty.org/) [accessed 29 January 2015].

<sup>22</sup>AI, op.cit., 3 August 1999.

<sup>23</sup>Toby Shelley, Endgame in the Western Sahara, London: Zed Books, 2004, p.115. See also Stephan and Mundy, op.cit., 2006.

<sup>24</sup>Saharawi interviewees, including one of the authors of this report, recall that UN staff were invited to party by Moroccan authorities at a desert oasis, just before authorities attacked the protesters in front of the hotel. Saharawis believe that this action had the aim of reducing the number of MINURSO witnesses to the vast human rights abuses associated with the repression of the intifada.

<sup>25</sup>AI, Morocco/Western Sahara: Freedom of Assembly on Trial, 29 November 2001, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015].

<sup>26</sup>AI, Morocco/Western Sahara: Release of 56 Political Prisoners is a Positive Step, 8 November 2001, available at [amnesty.org](https://www.amnesty.org/) [accessed 6 February 2015].

<sup>27</sup>AI, Morocco/Western Sahara: Briefing to the Committee against Torture, 11 November 2003, p.1, available at [amnesty.org](https://www.amnesty.org/) [accessed 7 February 2015].

<sup>28</sup>Ibid., p.7.

<sup>29</sup>AI, op.cit., 13 May 2014, p.3.

<sup>30</sup>AI, Broken Promises: The Equity and Reconciliation Commission and its Follow-up, 6 January 2010, p.5, available at [amnesty.org](https://www.amnesty.org/) [accessed 31 January 2015].

<sup>31</sup>The annex to this report includes the sit-in of 15 mothers of Saharawi men who were disappeared following pro-independence protests in 2005. Moroccan authorities allege that they drowned in the sea.

<sup>32</sup>AI, op.cit., 28 August 2009, p.3.

<sup>33</sup>Ibid., p.4

<sup>34</sup>Ibid., p.10.

<sup>35</sup>AI, Broken Promises: The Equity and Reconciliation Commission and its Follow-up, 6 January 2010, p.13, available at [amnesty.org](https://www.amnesty.org/) [accessed 31 January 2015].

<sup>36</sup>Alice Wilson, “*On the Margins of the Arab Spring*,” Social Analysis, 57:2, 2013, p.82.

<sup>37</sup>Human Rights Watch, Western Sahara: Beatings, Abuse by Moroccan Security Forces, 26 November 2010, available at: [hrw.org](https://www.hrw.org/) [accessed 29 January 2015]

<sup>38</sup>HRW, Morocco/Western Sahara: Dissidents in Prison, Unfair Trials, 24 January 2011, available at: [hrw.org](https://www.hrw.org/) [accessed 29 January 2015]

<sup>39</sup>In an interview with the report writers in El Aaiún, 22 August 2014, 35 year-old Izana Amidan claims she was detained and taken to a secret detention centre by Moroccan police where she was stripped naked, kept in the “roast chicken” position (she describes this as being suspended from a pole from the knees with her wrists tied to her legs) blindfolded, beaten and subjected to gang rape. After three days of this treatment, she was allowed to leave. She believes she was detained and mistreated due to her pro-independence activities and role on the Gdeim Izik coordination group. For more testimonies on abuse in detention in November 2010, see HRW, op.cit., 26 November 2010.

<sup>40</sup>Human Rights Watch, World Report 2013 - Morocco/ Western Sahara, 31 January 2013, available at [hrw.org](https://www.hrw.org/) [accessed 29 January 2015].

<sup>41</sup>The two committee members are quoted in Western Sahara Action Forum (WSAF), Crimes without a Witness: Human Rights Violations in Western Sahara Since April 2013, March 2014, p.6, available at [wsaforum.org](https://wsaforum.org/) [accessed 31 January 2015].

<sup>42</sup>HRW, Letter to Members of the UN Security Council: Extend MINURSO Mandate to Human



Rights, 14 April 2014, available at [hrw.org](http://hrw.org) [accessed 1 February].

<sup>43</sup>For a detailed analysis of the trial, see HRW, “*Just Sign Here*”: Unfair Trials Based on Confessions to the Police in Morocco, 2013, available at [hrw.org](http://hrw.org) [accessed 2 February 2015].

<sup>44</sup>UN Security General Ban Ki Moon, Report of the Secretary-General on the situation concerning Western Sahara, UN doc. S/2014/258, 10 April 2014, §100, available at [un.org](http://un.org) [accessed 29 January 2015].

<sup>45</sup>HRW, op.cit., 14 April 2014.

<sup>46</sup>See UN Security General, op.cit., 10 April 2014, §84.

<sup>47</sup>UN, Charter of the United Nations, Chapter XI, Article 73, 26 June 1945, available at [un.org](http://un.org) [accessed 1 February 2015].

<sup>48</sup>See Malainin Lakhel, Morocco-UN: Scandal at the Council of Human Rights, 28 January 2014, available at [saharaoccidental.blogspot.ch](http://saharaoccidental.blogspot.ch) [accessed 28 February 2015] and Matthew Russell Lee, On Western Sahara, Cables Show Ladsous Undercutting MINURSO on Human Rights, 5 November 2014, available at [innercitypress.com](http://innercitypress.com) [accessed 28 February 2015].

<sup>49</sup>Robert F. Kennedy Centre for Justice and Human Rights (RFK Centre), Western Sahara: Human Rights Violations Reported between March 1, 2014 and December 31, 2014, February 2015, p.1, available at [rfkcenter.org](http://rfkcenter.org) [accessed 27 February 2015].

<sup>50</sup>Freedom House, Freedom in the World 2015. Discarding Democracy: Return to the Iron Fist, 28 January 2015, available at [freedomhouse.org](http://freedomhouse.org) [accessed 29 January 2015].

<sup>51</sup>Human Rights Watch, World Report 2015, 29 January 2015, p.387, available at [hrw.org](http://hrw.org), [accessed 29 January 2015].

<sup>52</sup>CODESA, The Moroccan Authorities Repress a Peaceful Vigil en El Aaiún, 3 April 2014, available at [codesaso.com](http://codesaso.com) [accessed 30 January 2015].

<sup>53</sup>Ibid.

<sup>54</sup>See the annex to this report for a full list of protests documented by Saharawi human rights and media groups.

<sup>55</sup>UN Security General, op.cit., 10 April 2014, §6.

<sup>56</sup>UN Human Rights Council, Report of the Working Group on Arbitrary Detention, Addendum: Mission to Morocco, 4 August 2014, A/HRC/27/48/Add.5, p.2, available at [ohchr.org](http://ohchr.org) [accessed 29 January 2015].

<sup>57</sup>Ibid., §64

<sup>58</sup>Ibid. §64

<sup>59</sup>Ibid., §65

<sup>60</sup>Numbers range from around 40 up to 70 Saharawi political prisoners.

<sup>61</sup>See Human Rights Watch, Morocco/Western Sahara: Fair Trials Elusive, 9 September 2014, available at: [refworld.org](http://refworld.org) [accessed 29 January 2015] and Human Rights Watch, Morocco/Western Sahara: Rights Promises Outpace Progress, 21 January 2014, available at: [refworld.org](http://refworld.org) [accessed 29 January 2015].

<sup>62</sup>UN Human Rights Council, op.cit., 4 August 2014, §30, 32 and 34.

<sup>63</sup>Ibid., §45.

<sup>64</sup>See the annex to this report for full examples of incidents of unreasonable delays to trials for detained Saharawis since April 2014.

<sup>65</sup>HRW, Morocco: Sahrawi Activist Facing Military Tribunal, 22 December 2014, available at [hrw.org](http://hrw.org) [accessed 5 February 2015].

<sup>66</sup>Ibid.

<sup>67</sup>Frontline Defenders, Western Sahara – Critical health of Mbarek Daoudi who is on hunger strike after a year in pre-trial detention, 10 December 2014, available at [frontlinedefenders.org](http://frontlinedefenders.org) [5 February 2015].

<sup>68</sup>Por un Sahara Libre, Un Prisionero Político Entra en Huelga de Hambre Abierta, 12 January 2015, available at [porunsaharalibre.org](http://porunsaharalibre.org) [accessed 5 February 2015].

<sup>69</sup>The term “*short-term disappearances*” is taken from Human Rights Watch, which noted this pattern of abuse during their 1995 mission to Western Sahara. See HRW, Human Rights Watch World Report 1992 - Morocco and Western Sahara, 1 January 1992, available at: [refworld.org](http://refworld.org) [accessed 28 January

2015] Three women interviewed by the report writers (El Aaiún, 22 August 2014) that believe they have been targeted by police for expressing pro-independence views attest to a difference in treatment between themselves and their male colleagues. They allege that, thanks to the work of international human rights organisations and media that have drawn attention to the fate of disappeared and imprisoned Saharawi women, there have been few women tried and imprisoned in recent years. Rather, women tend to be detained in secret detention centres or police stations, where they are tortured before they are released, normally after a few days.

<sup>70</sup>UN Human Rights Council, op.cit., 4 August 2014, p.2.

<sup>71</sup>Reporters Without Borders, Detenido el periodista saharauí Mahmoud Al-Lhaissan, 23 July 2014, available at [rsf-es.org](http://rsf-es.org) [accessed 29 January 2015].

<sup>72</sup>Por un Sahara Libre, Comunicado de la Coordinadora de Gdeim Izik Tras la Condena a Mahmud el Haisan y Abdelkrim Buichalga, 6 December 2014, available at [porunsaharalibre.org](http://porunsaharalibre.org) [accessed 5 February 2015].

<sup>73</sup>The details of Haidala’s case are included in the online annex to this report. There are several witnesses to his stabbing.

<sup>74</sup>UN Human Rights Council, op.cit., 4 August 2014 §49.

<sup>75</sup>Western Sahara Human Rights Watch (WSHRW), Salek Laasairi, 38 Days without Eating to Protest against Moroccan Prison Violence, 14 May 2014, available at [wshrw.org](http://wshrw.org) [accessed 5 February 2015].

<sup>76</sup>Optional Protocol to the Convention against Torture (OPCAT), Morocco – OCPAT Situation, 1 December 2014, available at [apt.ch](http://apt.ch) [accessed 3 February 2015].

<sup>77</sup>CEAS Sahara, Nueva Expulsión del Sahara Occidental, 27 January 2015, available at [ceas-sahara.es](http://ceas-sahara.es) [accessed 3 February 2015].

<sup>78</sup>UN Human Rights Council, op.cit., 4 August 2014, p.2.

<sup>79</sup>AI, op.cit., 13 May 2014.

<sup>80</sup>Juan Mendez, UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Report to the Human Rights Council: Mission to Morocco, 28 February 2013, §62, available at [wsaforum.org](http://wsaforum.org) [accessed 31 January 2015].

<sup>81</sup>Ibid., §63.

<sup>82</sup>Ibid., §66.

<sup>83</sup>Ibid., §18.

<sup>84</sup>HRW, World Report 2015, 29 January 2015, p.388, available at [hrw.org](http://hrw.org), [accessed 29 January 2015].

<sup>85</sup>AI, Morocco/Western Sahara: Lift Restrictions on Associations, 26 November 2014, available at [amnesty.org](http://amnesty.org), [accessed 29 January 2015].

<sup>86</sup>UN Human Rights Council, op.cit., 4 August 2014, §66 and 67.

<sup>87</sup>UN Secretary-General, op.cit., 10 April 2014, § 79, available at [un.org](http://un.org) [accessed 29 January 2015]. For an in-depth focus on the inability of Saharawi human rights organisations to register, see HRW, Human Rights in Western Sahara and in the Tindouf Refugee Camps, 19 December 2008, pp.97-108, available at [hrw.org](http://hrw.org) [accessed 29 January 2015].

<sup>88</sup>HRW, op.cit., 29 January 2015, p.387.

<sup>89</sup>UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, available at [un.org](http://un.org) [accessed 7 February 2015].

<sup>90</sup>Robert F. Kennedy Human Rights Foundation (RFK Foundation), the Collective of Saharawi Human Rights Defenders (CODESA), Association Française d’Amitié et de Solidarité avec les Peuples d’Afrique (AFASPA), Bureau des Droits de l’Homme au Sahara Occidental, Fondation Danielle Mitterrand/France Libertés, Sandblast, Action by Christians for the Abolition of Torture-France, Observations and Topics to be Included in the List of Issues on the Occasion of the Kingdom of Morocco’s Fourth Periodic Report on its implementation of the International Covenant on Economic, Social and Cultural Rights, January 2015 available at [binternet.ohchr.org](http://binternet.ohchr.org) [accessed 30 January 2015].

<sup>91</sup>Ibid. p.8.

<sup>92</sup>Western Sahara Resource Watch (WSRW), Observations and Topics to be Included in the List of Issues on the Occasion of the Kingdom of Morocco’s Fourth Periodic Report on its Implementation of the International Covenant on Economic, Social and Cultural Rights, 27 January 2015, §20, available



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<sup>93</sup>RFK Foundation et.al., op.cit., January 2014, p.7.

<sup>94</sup>WSRW, Discrimination over the Right to Housing in OCP, Workers Say, 5 April 2012, available at [wsrw.org](http://wsrw.org) [accessed 30 January 2015]

<sup>95</sup>WSRW, op.cit., 27 January 2015, §24.

<sup>96</sup>All-Party Parliamentary Group (APPG) on Western Sahara, Life under Occupation: Report of a Delegation of the APPG to the Occupied Territory of Western Sahara, 13-16 February 2014, April 2014, p.8.

<sup>97</sup>Interviews with Saharawi university students and graduates in El Aaiún (August 2014) and Agadir, Marrakech and Rabat (April 2014).

<sup>98</sup>Interview with Fatan Abaali, Agadir, 22 April 2014.

<sup>99</sup>Interview with Mohammed El Baikam, El Aaiún, 23 August 2014.

<sup>100</sup>UN General Assembly, op.cit., 10 December 1978.

<sup>101</sup>RFK Foundation et.al., op.cit., January 2014, p.8.

<sup>102</sup>In 2002, one of the report writers, then a Saharawi high school student, was permanently expelled from school and blocked from sitting the baccalaureate exam for 12 years for daring to campaign in favour of a university in Western Sahara. He was interrogated within the walls of the secondary school, whilst fellow student campaigners were beaten. Nguia El Haouasi and Hayat Rguibi, two prominent pro-independence activists also allege they were expelled from school due to their political activities (interviews, Zaragoza, 26 November 2014). See also RFK Foundation et.al., op.cit., p.8.

<sup>103</sup>RFK Foundation et.al., op.cit., January 2014 p.9.

<sup>104</sup>Ibid., p.10.

<sup>105</sup>Isabel Lourenço, Report of the visit to Occupied Western Sahara, city of Laayoune, Agadir and Rabat, from 27th of October to 7th of November 2014, Lisbon, 20 November 2014, available at [adalauk.org](http://adalauk.org), [accessed 30 January 2015].

<sup>106</sup>This assertion is based on interviews with Saharawi students in Agadir, Marrakech and Rabat, August 2014. It should be pointed out that most students did not extend their accusations of racism to Moroccan students.

<sup>107</sup>The details of this case are included in the annex to this report.

<sup>108</sup>UN Independent Expert in the field of cultural rights Farida Shaheed, Report to Human Rights Council: Mission to Morocco (5 – 16 September 2011), 2 May 2012, available at [daccess-dds-ny.un.org](http://daccess-dds-ny.un.org), [accessed 2 February 2015].

<sup>109</sup>CODESA, Cerco policial forzado sobre la Playa de Fam Lwad, 20 July 2014, available at [codesaso.com](http://codesaso.com) [accessed 29 January 2015] and CODESA, Detención arbitraria de 5 jóvenes saharauis durante más de 9 horas en una sede de la gendarmerie, 23 June 2014, available at [codesaso.com](http://codesaso.com) [accessed 29 January 2015].

<sup>111</sup>Adala UK, Closure of Saharawi Mosque, 3 July 2014, available at [adalauk.org](http://adalauk.org) [accessed 28 February 2015].

<sup>112</sup>This is based on the observations of one of the report writers who lives in the neighbourhood where Kaisaret stood and attended the mosque, and his conversations with other attendees of the mosque.

<sup>113</sup>Farida Shaheed made this observation in her 2012 report to the UN Human Rights Council. Shaheed, op.cit., §72.

<sup>114</sup>See the annex to this report for more information.

<sup>115</sup>See the annex to this report for more information.

<sup>116</sup>UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, available at [ohchr.org](http://ohchr.org) [accessed 6 February 2015].

<sup>117</sup>See WSRW’s webpages, [wsrw.org](http://wsrw.org) for example, for more information on the legal and ethical issues surrounding the natural resource exploitation.

<sup>118</sup>Ibid.

<sup>119</sup>WSRW, Alouat Protested against Kosmos – Was Cut with Razor Blade, 13 June 2014, available at [wsrw.org](http://wsrw.org) [accessed 6 February 2015].

<sup>120</sup>WSRW, Letter from Elfayda to Kosmos Energy, 15 April 2014, available at [wsrw.org](http://wsrw.org) [accessed 6 February 2015].

<sup>121</sup>APPG on Western Sahara, op.cit., April 2014, p.7. We should also recall Article one of the ICCPR, “*All peoples have the right to self-determination...*” United Nations General Assembly, op.cit., 16 December 1966.

<sup>121</sup>Morocco World News, Full Text of King Mohammed VI’s Speech on 39th Anniversary of Green March, 6 November 2014, available at [moroccoworldnews.com](http://moroccoworldnews.com) [accessed 6 February 2015].

<sup>122</sup>WSAF, Crimes without a Witness: Human Rights Violations in Western Sahara since April 2013, March 2014, p.2, available at [wsaforum.org](http://wsaforum.org) [accessed 6 February 2015].

<sup>123</sup>Morocco World News, op.cit., 6 November 2014.



